



District of Columbia Sentencing Commission

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MINUTES OF FULL COMMISSION MEETING

February 20, 2018

One Judiciary Square, Suite 430S, Washington, DC 20001

Voting Members in Attendance:

Frederick Weisberg

Billy Martin

Milton Lee

Danya Dyson

Frederick Cooke, Jr.

Katerina Semyonova

David Rosenthal

Julie Samuels

Non-Voting Members in Attendance:

Michael Anzallo

Stephen Husk

Guest in Attendance:

Leslie Parson (MPD)

Staff in Attendance:

Barbara Tombs-Souvey

Mia Hebb

Mehmet Ergun

Linden Fry

Taylor Tarnalicki

Miatta Sesay

I. Chairman Weisberg called the meeting to order at 5:10 p.m.

II. Membership Update – Information Item - Chairman Weisberg

Chairman Weisberg introduced the Commission's newest member, Frederick E. Cooke, Jr., an attorney in private practice. Mr. Cooke is replacing longtime member Earl Silbert. Mr. Cooke briefly spoke about his background and desire to help further the essential work of the Commission. Chairman Weisberg and the Commission welcomed Mr. Cooke and acknowledged Mr. Silbert for his years of service with the Commission.

Chairman Weisberg was pleased to announce that William Martin has been reappointed to the Commission.

Michael Anzallo announced that he is retiring from the D.C. Metropolitan Police Department and that starting in March 2018; Chief Newsham would appoint Commander Leslie Parson to serve as his representative on the Commission. Commander Parsons introduced himself to the Commission. The Commission expressed their appreciation to Assistant Chief Anzallo for his service and welcomed Commander Parsons.

III. The minutes from December 12, 2017 were briefly discussed and approved.

IV. Update on Sentencing Guideline Survey/Focus Group Project – Informational Item – Taylor Tarnalicki and Barbara Tombs-Souvey.

Update on Sentencing Guideline Project: Ms. Tarnalicki gave a status update on the Sentencing Guideline Survey/Focus Group Project. She noted that, to date, the Commission had received approximately 20 responses from the survey that was distributed on February 12, 2018. Ms. Tarnalicki also provided a review of the timeline for the project:

- Survey Distributed - February 12, 2018
- Survey Response Deadline – March 23, 2018
- Analysis Completed - April 30, 2018
- Begin Focus Group Process – May 1, 2018
- Conduct Focus Groups – June & July 2018
- Report Finalized – Mid-September 2018

Ms. Tombs-Souvey reminded the representatives of the target agencies to encourage their participants to complete the survey to ensure that the Commission receives accurate and representative survey responses. Additionally, Ms. Tombs-Souvey was pleased to inform the Commission members that an SOW for the focus groups had been submitted to the Office of Contracting and Procurement for processing.

V. Proposed Annual Report Review Schedule – Barbara Tombs-Souvey.

Annual Report Schedule: Ms. Tombs-Souvey informed the Commission members that the Annual Report draft will be distributed on March 16, 2018, and will be due back to the staff by March 23, 2018. Following the Commission's review, staff will incorporate their changes into the document and submit it to the Chairman for final edits.

VI. Election of a New Commission Chair – Chairman Weisberg

Judge Weisberg announced that he will be stepping down as Commission Chairman at the March Commission meeting. He will remain on the Commission as a voting member. Per the Commission's enacting statute, Commission members will need to elect a new Chairperson, which will take place at the next scheduled Commission meeting.

VII. Discussion of Criminal History Issues Identified at Retreat and the Double Counting Memo – Participatory - Chairman Weisberg and Barbara Tombs-Souvey

Chairman Weisberg opened the floor for a follow up discussion on the issues from the Commission's November Criminal History Retreat. The Chairman asked Commission members for their feedback on the distributed memorandums summarizing possible changes to the manner in which a defendant's criminal history is calculated and used at sentencing. The following key topics were raised and discussed by the Commission members:

- Double Counting Offenses
- Key components of Criminal History

The Commission members raised questions and discussed different ways to handle defendants who have a prior conviction that is counted against them twice. For example, a prior felon

caught with a pistol may have his/her prior felony conviction used to increase the Offense Severity Group of the current offense and to increase his/her criminal history score. A Commission member also suggested revisiting how prior offenses are assigned points when calculating a criminal history score, specifically what offenses should be assigned 3 points versus two points or less. In addition, a request to revisit how prior misdemeanor offenses are scored was also brought forward.

VIII. Meeting Adjourned at 6:30 p.m.

NEXT MEETING:

March 20, 2018
One Judiciary Square (441 4th Street, NW) Suite 430S.